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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/038,857 | 01/08/2002 | Giovanni Benini | 449122020100 | 6367 |

25227 7590 03/08/2004
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EXAMINER

TAYLOR, BARRY W

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2643

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,857

Applicant(s)

BENINI ET AL.

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leleu (6,088,687) in view of Hill (6,236,981).

Regarding claims 1 and 11-14. Leleu teaches a charge metering method and system for data transmission, comprising:

storing at least one electronic credit which includes a statement on the amount of use of transmission units of a data transmission network on two terminals operated on the data transmission network (abstract, columns 2-3, see

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columns 3-4 wherein "nodes" or "routers" used to store electronic credit (i.e. toll token), see col. 7 line 61 – col. 8 line 67 wherein toll token used at any time and at any node (i.e. packet-origination and packet-termination nodes) to authorize an electronic system to perform an operation;

controlling the use of data transmission units of the data network by two control units (see columns 3-4 and 7-8 wherein two nodes used (i.e. origination and termination nodes).

transmitting a credit for use of the data transmission path to an assigned control unit (see figure 2 wherein calling node 200 transmits toll token to be used for datagram sent from calling node 200 to receiving node 201); and

clearing the transmission units of the data transmission network to use the data transmission path based on the credit received (see figure 2 wherein path taken by datagram is the arc 200, 210, 230, 231, 233, 234, 235, 220 and 201 whereby token is inserted into datagram allowing for transmission of data contained in packet to be processed by each node as it travels through network (col. 8 lines 49-67).

Leleu fails to limit network to two control units that control data transmission. However, Leleu discloses using toll token allowing for datagram to travel through Internet. That is, using toll token allows for billing on any control unit including the originating and termination nodes.

Hill also teaches a transaction system wherein tokens are used to pay for on line services (abstract). Hill discloses tokens are issued to user (i.e. first control unit is users PC storing tokens) from payment service wherein the user

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spends the tokens by transferring tokens to a merchant (i.e. second control unit).

The merchant then returns tokens to payment server for verification before providing on line services to user allowing for a charging mechanism for Internet usage. Hill discloses that by using "QuickPay" or set of digital payment tokens issued from payment server provides for a higher level of cryptographic security, while removing the processing overhead from the vendors operating Internet nodes such as the one shown in figure 8 (see 5a figure 8, col. 2 lines 24-51, col. 5 line 5 – col. 6 line 55). Hill also provides for "Refill Carnet" that allows user to obtain more tokens (col. 7 line 64 – col. 8 line 56). Hill discloses the payment server comprises the clearer, the creator, updater and four databases (col. 9 line 5 – col. 13 line 28).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Leleu to use Quickpay as taught by Hill for the benefit of removing processing overhead from vendor operated nodes to the Quickpay server thereby increasing security.

Regarding claim 2. Leleu teaches sending toll token from one node to another node (see figure 2, col. 3 lines 58-62). Hill also teaches sending token from user to merchant to pay for on line services being offered by a vender (see columns 2-3 and 5-8).

Regarding claim 3. Leleu teaches sending credit is the terminal beginning the data transmission (see figure 2 wherein sending terminal 200 is the terminal beginning data transmission).

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Regarding claim 4. Leleu teaches the token is issued with regards with transmission path which is to be set up or has been set up (col. 2 lines 49-57, col. 7 lines 4-67, col. 8 lines 21-27, col. 8 line 26 – col. 17 line 37).

Regarding claim 5. Leleu teaches token includes at least identification of terminal beginning the data transmission (see col. 2 line 52 wherein token at least includes function of the destination address (i.e. identification of other terminal), see col. 4 wherein token includes information relating to the user (i.e. terminal beginning the data transmission), see col. 6 lines 36-40 wherein datagram supports different protocols, Leleu even using an id to identify the creator of the token---see column 9, Leleu even offers tokens of different denominations for different service grades and types of operators which obviously require checking by the nodes)).

Regarding claim 6. Leleu teaches period of validity or a data of validity is fixed (see bottom of column 8) and the period of validity is at least one less than approximately five minutes (see top of column 9 wherein the time period which may not, in general, exceed several seconds which is obviously less than approximately five minutes).

Regarding claims 7-8. Leleu teaches cryptographic method (see cryptography starting on column 11 and continuing to column 15).

Regarding claim 9. Leleu teaches data network operating in accordance with Internet Protocol (col. 6 lines 36-39, col. 15 lines 26-32).

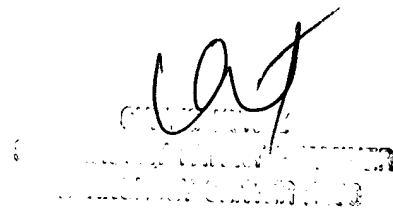
Regarding claim 10. Leleu teaches using telephone service (col. 6 lines 36-40, co.. 15 lines 26-32).

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.

A handwritten signature, possibly "cat", is written in black ink over a faint, rectangular stamp. The stamp contains some illegible text, but the signature is the primary focus of this block.